

ORDINANCE NO. 10-015

AN ORDINANCE AMENDING THE ST. LUCIE COUNTY LAND DEVELOPMENT CODE BY AMENDING SECTION 2.00.00 ("DEFINITIONS") TO ADD A DEFINITION FOR "GREENWAYS AND RECREATIONAL TRAILS"; AMENDING SECTION 2.00.00 TO AMEND THE DEFINITION OF "MULTI-USE PATH" TO READ "MULTI-PURPOSE PATH" AND TO CLARIFY THAT PATHS IDENTIFIED AS GREENWAYS AND RECREATIONAL TRAILS, TRAILS WITHIN CANAL RIGHTS-OF-WAY, ON THE COUNTY BICYCLE, PEDESTRIAN GREENWAYS AND TRAILS MASTER PLAN MAY BE CONSIDERED AS MULTI-PURPOSE PATHS; AMENDING SECTION 7.05.04 TO CLARIFY WHEN SIDEWALKS OR MULTI-PURPOSE PATHS ARE REQUIRED; AMENDING SECTION 7.05.04 TO ADD A SEPARATE SECTION ON REQUIREMENTS FOR GREENWAYS AND RECREATIONAL TRAIL FOR NEW DEVELOPMENT IN UNINCORPORATED ST. LUCIE COUNTY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR ADOPTION AND PROVIDING FOR CODIFICATION

**WHEREAS**, the Board of County Commissioners of St. Lucie County, Florida, has made the following determination:

1. On August 1, 1990, the Board of County Commissioners of St. Lucie County, Florida, adopted the St. Lucie County Land Development Code.

2. The Board of County Commissioners has adopted certain amendments to the St. Lucie County Land Development Code, through the following Ordinances:

91-03	-March 14, 1991	91-09	-May 14, 1991
91-21	-November 7, 1991	92-17	-June 2, 1992
93-01	-February 16, 1993	93-03	-February 16, 1993
93-05	-May 25, 1993	93-06	-May 25, 1993
93-07	-May 25, 1993	94-07	-June 22, 1994
94-18	-August 16, 1994	94-21	-August 16, 1994
95-01	-January 10, 1995	96-10	-August 6, 1996
97-01	-March 4, 1997	97-09	-October 7, 1997
97-03	-September 2, 1997	99-01	-February 2, 1999
99-02	-April 6, 1999	99-03	-August 17, 1999
99-04	-August 17, 1999	99-05	-July 20, 1999
99-15	-July 20, 1999	99-16	-July 02, 1999
99-17	-September 7, 1999	99-18	-November 2, 1999
00-10	-June 13, 2000	00-11	-June 13, 2000
00-12	-June 13, 2000	00-13	-June 13, 2000
01-03	-December 18, 2001	02-05	-June 24, 2002
02-09	-March 5, 2002	02-20	-October 15, 2002
02-29	-October 15, 2002	03-05	-October 7, 2003

04-02 - January 20, 2004	04-07 - April 20, 2004
04-33 - December 7, 2005	05-01 - March 15, 2005
05-03 - August 2, 2005	05-04 - August 2, 2005
05-07- January 18, 2005	05-16 - August 16, 2005
05-23 - September 20, 2005	06-05 - April 18, 2006
06-13 - June 6, 2006	06-22 July 18, 2006
06-30 - September 12, 2006	06-40 - August 1, 2006
06-47 - December 5, 2006	07-11 - February 6, 2007
07-15- May 1, 2007	07-17 - June 5, 2007
07-32 - November 6, 2007	08-04 - March 11, 2008
08-08- June 17, 2008	08-012 -September 9, 2008
08-025-September 16, 2008	09-003 -January 20, 2009
09-013- May 19, 2009	

3. On \_\_\_\_\_, the Local Planning Agency/Planning and Zoning Commission held a public hearing on the proposed ordinance after publishing notice in the St. Lucie News Tribune at least 10 days prior to the hearing and recommended that the proposed ordinance be approved.

4. On \_\_\_\_\_, this Board held its first public hearing on the proposed ordinance, after publishing a notice of such hearing in the St. Lucie News Tribune on \_\_\_\_\_.

5. On \_\_\_\_\_, this Board held a second public hearing on the proposed ordinance, after publishing a notice of such hearing in the St. Lucie News Tribune on \_\_\_\_\_.

6. The proposed amendments to the St. Lucie County Land Development Code are consistent with the general purpose, goals, objectives and standards of the St. Lucie County Comprehensive Plan and are in the best interest of the health safety and public welfare of the citizens of St. Lucie County, Florida.

7. This Ordinance is a clarification of existing law.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of St. Lucie County, Florida:

**PART A. THE SPECIFIC AMENDMENTS TO THE ST. LUCIE COUNTY LAND DEVELOPMENT CODE TO READ AS FOLLOWS, INCLUDE:**

**Section 2.00.00 "Definitions"** is amended as follows:

Greenways and Recreational Trails: A path within public rights-of-way or private property used by pedestrians, equestrians and bicyclists. The path shall be ten (10) to twelve (12) feet wide, cleared of exotics and stabilized but not hardened. The Bicycle, Pedestrian, Greenways and Trails Master Plan illustrates the conceptual locations of trails and does not show trails on specific properties in specific locations. The final trail location may be subject to change as updated or at the recommendation of the Environmental Resources Department (ERD) Director.

Multi-Purpose Use Path: A bikeway hardened path (asphalt, concrete or other impervious surface) (ten (10) to twelve (12) feet wide) and physically separated from the motorized vehicular traffic by an open space or barrier and either within highway public rights-of-way or private property within an independent

alignment. Multi- purpose use paths may be used by pedestrians, skaters, and joggers as well as bicyclists. Greenways and Recreational Trails and trails within canal rights-of-way as identified in the conceptual Bicycle, Pedestrian, Greenways and Trails Master Plan may be considered multi-purpose paths when connecting to an existing or planned multi-purpose path. The Bicycle, Pedestrian, Greenways and Trails Master Plan shows conceptual locations of paths and does not show paths on specific properties in specific locations. The final path location may be subject to change as updated or at the recommendation of the County Engineer.

Section 7.05.04 “Sidewalks and Bikeways” is amended to read as follows:

**7.05.04 Sidewalks and Bikeways, Bike Lanes, Multi-Purpose Paths and Greenways and Recreational Trails**

**A. Sidewalks and Multi-Purpose Paths**

**1. Right-of-way of Streets and Roadways**

~~4.~~ a. Within the Urban Service Boundary, all new non-residential developments, regardless of whether they are required to obtain site plan approval, and All new residential developments that are required to obtain site plan approval located within the Urban Service Boundary and all new non-residential development located within the unincorporated area of St. Lucie County and within the Urban Service Boundary are required to shall design and construct sidewalks or multi-purpose paths within the right-of-way of all streets and roadways that abut or lie within the perimeter of the property.

b. If sufficient right-of-way does not exist, the applicant shall dedicate additional right-of-way to provide the multi-purpose paths or sidewalks.

c. The County Engineer may recommend an easement in lieu of right-of-way subject to the acceptance by the St. Lucie County Board of County Commissioners.

**2. Interior Residential Streets**

Sidewalks and/or multi-purpose paths shall be required on all interior residential streets of all residential developments, located within or outside of the Urban Services Boundary.

**3. Arterial and Collector Roads**

Sidewalks or multi-purpose paths may be required along arterial and collector roads outside the Urban Service Boundary at the recommendation of the County Engineer based on the conceptual Bicycle, Pedestrian, Greenways and Trails Master Plan, as it may be updated. Outside of the USB, the following improved roads shall be considered minor arterial or collector roads:

- a. Okeechobee Road
- b. Orange Avenue
- c. Sneed Road
- d. Shinn Road
- e. Header Canal Road
- f. Rangeline Road
- g. Glades Cut-off Road

**4. Specifications**

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155       a. ~~2.~~ New sidewalks must be a minimum of six (6) feet wide along streets classified as collectors  
156 and arterials.

157       b. Multi-purpose paths must be a minimum of ten (10) feet wide along streets classified as  
158 collectors and arterials.

159  
160       ~~3. c.~~ Local Street requirements are based upon local needs and existing conditions. ~~Local~~  
161 Streets shall have sidewalks six (6) feet ~~five (5)~~ feet wide along one (1) or both sides of the street as deemed  
162 necessary during the County's development review process.

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164       ~~4. d.~~ All new sidewalks or multi-purpose paths shall be constructed of concrete, brick pavers or  
165 other materials acceptable to the County Engineer St. Lucie County. All construction must conform to  
166 Florida Department of Transportation and/or St. Lucie County standards.

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168       a. ~~e.~~ All sidewalks on internal private roads shall connect with an existing or planned the  
169 sidewalks or multi-purpose path in the abutting public right-of-way or public access easement.

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171       ~~b. f.~~ The County Engineer may authorize a modification in sidewalk or multi-purpose path width  
172 to protect existing trees or to accommodate existing utilities. In no case shall sidewalks be less than four  
173 (4) feet.

174       ~~e.~~ ~~The Development Review Committee (DRC) as part of the site plan review process shall document~~  
175 ~~any exemption of a development project from constructing specific sidewalk segments based on physical~~  
176 ~~constraints such as proximity to drainage canals or structures where the construction of the particular~~  
177 ~~sidewalk segment would result in a disproportionate burden on the development.~~

178       ~~d. g.~~ Sidewalks shall be constructed around the perimeter of a cul-de-sac.

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180       e. ~~h.~~ All sidewalks, multi-purpose paths and associated ramps shall conform to the latest  
181 requirements published in the most recent edition of the Americans With Disabilities Act (ADA)  
182 Accessibility Guidelines.

## 183 184     5. Cost

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186       ~~f. a.~~ Except as provided in subsection b, below, The developer shall will bear the full cost for  
187 permitting, design and construction of the sidewalk or multi-purpose path.

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189       b. The County Engineer may authorize the developer pay a proportional fair share cost of  
190 the construction of a sidewalk or multi-purpose path where a disproportionate burden to the developer  
191 may exist as determined by the County Engineer.

## 192 193     6. Maintenance

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195       a. Sidewalks or multi-purpose paths on private property must be maintained by the developer,  
196 property owner's association or other entity as approved by St. Lucie County through the operation and  
197 maintenance covenants of the community, subdivision association or other recognized management  
198 entity.

199       b. St. Lucie County shall maintain all sidewalks and multi-purpose paths located within County  
200 maintained public rights-of-way unless otherwise agreed to through specific maintenance agreements.

201       ~~g.~~ ~~Multi Use Paths (ten (10) to twelve (12) feet wide) may be required by the County in place of~~  
202 ~~sidewalks when the multi-use path would be part of the adopted area wide bicycle/pedestrian system or~~  
203 ~~Greenways and Trails plan.~~

h. ~~The Board of County Commissioners shall authorize total or partial relief from the requirements of sidewalk construction if it finds, after receiving the recommendation of the Development Review Committee and based on conditions peculiar to the proposed development, that the proposed sidewalk construction is not in the best interest of the County, the applicant shall pay a fee in lieu to the County for sidewalk and/or greenways and trails construction.~~

7. Fee-in-Lieu

a. The applicant may pay a fee-in-lieu to the County for sidewalk or multi-purpose path design and construction. The Fee-in-Lieu-of-Construction Agreement is subject to approvals from the County Engineer and County Administrator.

b. The applicant may appeal to the Board of County Commissioners if the applicant disagrees with the County Engineer's determination.

B. Bike Lanes ~~Bikeways~~.

1. ~~All new developments, within the unincorporated area of St. Lucie County or within municipalities that access County maintained roads, and that are constructing or reconstructing roads as part of the development, shall be required to design and construct bike lanes. Bike lanes shall be constructed and dedicated to St. Lucie County in accordance with the St. Lucie County Public Works Standards.~~

2. ~~Bike lanes shall be provided on all internal project streets and roads that are classified as arterials or collectors. Bike lanes shall be constructed in accordance with the St. Lucie County Public Works Standards.~~

3. The construction of a multi-purpose path adjacent to an arterial or collector roadway, internal or external to the development project, does not relieve or otherwise release the requirement for the provision of bike lanes along said streets or roads.

4. Specifications

a. Bike lanes shall be constructed and dedicated to St. Lucie County in accordance with the Florida Department of Transportation (FDOT) Standards as modified by the County Engineer.

b. ~~3-~~ Pavement markings and signage shall comply with the standards established by the Florida Department of Transportation (FDOT) and the Manual on Uniform Traffic Control Devices (MUTCD).

c. ~~4-~~ Roadways constructed with closed drainage (curb and gutter) shall have a four (4)-foot wide bike lane.

d. ~~5-~~ Roadways constructed with open drainage (swale) shall have a five (5)-foot wide bike lane.  
6. ~~The construction of a multi-use path adjacent to an arterial or collector roadway internal or external to the development project does not relieve or otherwise release the requirement for the provision of bike lanes along said streets or roads.~~

C. Greenways and Recreational Trails

1. Developments may be required to provide a greenway and recreational trail when the development meets one of the following criteria:

a. The development is located within the unincorporated area of St. Lucie County, inside or outside of the Urban Service Boundary, and includes:

i. all new planned developments;

i. all applicants for conditional use permits;

ii. all new residential developments that are required to obtain site plan approval;

- 253           iii. all new non-residential developments, regardless of whether they are required to  
254           obtain site plan approval;  
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- 256       b. A trail or trails are identified in the conceptual St. Lucie County Greenways and Trails Plan  
257       adopted on May 6, 2008 and as it may be revised. The greenway and trail need not be shown  
258       on the specific property proposed for development in order to be required.  
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- 260       c. A rational nexus exists between the development and the need for a greenway and  
261       recreational trail. A rational nexus exists when:  
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- 263           i. The development creates a need for new or expanded facilities, services or other  
264           public good;  
265           ii. The net cost of the accommodating the development is determined;  
266           iii. The development is not assessed more than its proportionate share of the cost of the  
267           new or expanded facilities it is expected to use.  
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- 269       2. When a rational nexus does not exist, the development shall be encouraged to provide a greenway  
270       and recreational trail as a benefit to the public, including but not limited to, cases where it will  
271       connect to an existing or planned greenway or trail. The greenway and trail shall count toward  
272       the any open space requirements. At the discretion of the Growth Management or ERD Director,  
273       the developer may be given additional open space credits for the greenway and trail based on the  
274       value of the greenway and trail to the overall St. Lucie County Greenways and Trails Plan with  
275       regard to factors such as location and connectivity.  
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- 277       3. The ERD Director or County Engineer may require such trails to be constructed as a multi-  
278       purpose path in accordance with Section 7.05.04(A)(4) when connecting to an existing or planned  
279       multi-purpose path. Subject to the approval of the County Engineer, the applicant may pay a fee-  
280       in-lieu of to the County.  
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- 282       4. Exemptions.  
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- 284       At the recommendation of the Development Review Committee and/or the Environmental  
285       Resources Director, and based on conditions peculiar to the proposed development, the Board of  
286       County Commissioners may authorize a total or partial exemption from the requirements of  
287       greenway or recreational trail if it finds that the trail is not feasible or not in the best interest of  
288       the County or if it finds that a nexus does not exist between the development and the need for a  
289       greenway and recreation trail.  
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- 291       5. Fee-in-Lieu  
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- 293       a. Subject to the approval of the Environmental Resources Director and the County  
294       Administrator's approval of the Fee-in-Lieu of Construction Agreement, the applicant may  
295       pay a fee-in-lieu to the County for greenways and recreational trail permitting, design and  
296       construction, including fencing and landscaping.  
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- 298       b. The applicant may appeal to the Board of County Commissioners if the applicant disagrees  
299       with the ERD Director's determination.  
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- 301    D. ~~C.~~ Bicycle Racks.  
302    1. Bicycle racks shall be required for all non-residential development unless it can be demonstrated that  
303    bicycle traffic would not have access to the property per the St. Lucie County Comprehensive Plan Policy

2.2.1.1. Agricultural and Industrial areas shall be exempt from this requirement. Planned Unit Developments (PUD) may be requested to have bike racks as deemed necessary during the development review process based on the proximity of the development to recreation facilities and school bus stops.

2. Specifications

- a. There must be a minimum of six (6) bicycle parking spots.
- b. Bicycle parking should be located in close proximity to the buildings entrance.
- c. Bicycle parking facilities shall be located in highly visible well lighted areas to minimize theft and vandalism.
- d. Bicycle parking facilities shall support bicycles in a stable position without damage to wheels, frame or other components. The standard bicycle rack shall be the Inverted "U" style as pictured below.
- e. Additional bicycle parking spots may be necessary and requested during the development review process by the Growth Management Director.
- f. Based on the review of the proposed parking area design, location and security features, the Growth Management Director may reduce the number of required automobile parking spaces by one (1) automobile space for each six (6) bicycle spaces provided.

~~E. D. Time of Construction.~~

~~+~~ All required sidewalks, bike lanes, greenways and recreational trails and multi-purpose paths and bikeways shall be constructed in conjunction with the infrastructure for that phase of the development. The developer shall post a bond or other guarantee acceptable to the County as assurance of completion of the improvements in accordance with Section 11.04.00.

~~F. E. Maintenance.~~

~~+~~ Sidewalks, bike lanes, greenways and recreational trails and multi-purpose paths and bikeways on private property must be maintained by the developer, property owner's association or other entity as approved by St. Lucie County through the operation and maintenance covenants of the community, subdivision association or other recognized management entity. St. Lucie County shall maintain all sidewalks, bike lanes, greenways and recreational trails and multi-purpose paths and bikeways located within County maintained public rights-of-way unless otherwise agreed to through specific maintenance agreements.

**PART B. CONFLICTING PROVISIONS.**

Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

**PART C. SEVERABILITY.**

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

**PART D. APPLICABILITY OF ORDINANCE.**

This ordinance shall be applicable in the unincorporated area of St. Lucie County.

**PART E. FILING WITH THE DEPARTMENT OF STATE.**

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

**PART F. EFFECTIVE DATE.**

This ordinance shall take effect upon filing with the Department of State.

**PART G. ADOPTION.**

After motion and second, the vote on this ordinance was as follows:

Charles Grande, Chairman	XXX
Doug Coward, Vice Chairman	XXX
Commissioner Paula A. Lewis	XXX
Commissioner Chris Craft	XXX
Commissioner Chris Dzadovsky	XXX

**PART H. CODIFICATION.**

Provisions of this ordinance shall be incorporated in the St. Lucie County Code and Compiled Laws and the word “ordinance” may be changed to “section”, “article”, or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that parts B through H shall not be codified.

**PASSED AND DULY ENACTED** this XX day of XX, 2010.

**ATTEST:**

\_\_\_\_\_  
**Deputy Clerk**

**BOARD OF COUNTY COMMISSIONERS  
ST. LUCIE COUNTY, FLORIDA**

**BY:** \_\_\_\_\_  
**Chairman**

**APPROVED AS TO FORM AND  
CORRECTNESS:**

**BY:** \_\_\_\_\_  
**County Attorney**